

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3400

United States of America,

Appellee,

v.

Mark Anthony Wright,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: February 6, 2002

Filed: February 6, 2002

Before LOKEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Mark Anthony Wright pleaded guilty to an indictment charging him with taking an automobile from Vickie Richardson by force, violence, and intimidation, with intent to cause serious bodily harm, in violation of 18 U.S.C. § 2119(2). He was sentenced to 293 months in prison and five years supervised release, based in part on a disputed four-level enhancement for serious bodily injury to Richardson. We reversed and remanded because the district court resolved a disputed factual issue -- whether Richardson had sustained serious bodily injury -- without supporting evidence. We also noted that the indictment failed to state the serious-bodily-injury element of the offense, and directed that Wright be resentenced to the fifteen-year

maximum sentence prescribed in 18 U.S.C. § 2119(1) unless the government produced overwhelming evidence that Richardson had suffered serious bodily injury. See United States v. Wright, 248 F.3d 765, 766-67 (8th Cir. 2001) (per curiam).

On remand, Richardson testified at length that Wright had abducted her in a car she was driving and then raped, threatened, and tormented her for two hours in an abandoned trailer. The district court¹ concluded that this evidence sufficiently established the serious-bodily-injury element, and also found the evidence sufficiently overwhelming to make the indictment defect harmless error. The court sentenced Wright to 293 months in prison and five years supervised release. Wright again appeals, challenges the district court's finding of overwhelming evidence. After careful review of the record, we conclude the district court did not err in finding that there was overwhelming evidence of serious bodily injury. See 18 U.S.C. §§ 2119(2), 2241-2242; U.S.S.G. § 1B1.1, comment (n.(j)); United States v. Anderson, 236 F.3d 427, 429-30 (8th Cir.) (per curiam), cert. denied, 122 S. Ct. 356 (2001).

Accordingly, we affirm Wright's sentence.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE HARRY F. BARNES, United States District Judge for the Western District of Arkansas.